

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
PECOS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
V.	)	CAUSE NO. P-20-CR-388
	)	
THOMAS SCOTT PERKINS	)	
	)	
	)	
Defendant.	)	

**Government's Response to  
"MOTION FOR A PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND  
COMPETENCY ASSESSMENT"**

TO THE HONORABLE DAVID COUNTS, DISTRICT JUDGE OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF TEXAS:

COMES NOW The United States Government, to request that this Court order a psychiatric or psychological examination of THOMAS SCOTT PERKINS ("Mr. Perkins") so that a report can be filed which will assess his sanity at the time of the offense as well as his current competency to stand trial.

**I. Relevant Factual and Procedural Background**

Mr. Perkins was initially indicted on September 10, 2020 and charged with one count of possession of child pornography in violation of Title 18 U.S.C. §2252(a)(4) and one count of distribution of child pornography in violation of Title 18 U.S.C. §2252(a)(2). Doc. No. 1. On June 10, 2021, the Government filed a Superseding Indictment adding eight counts of possession of child pornography in violation of Title 18 U.S.C. §2252(a)(4). Doc. No. 67.

Mr. Perkins was previously assessed for his competency to stand trial as detailed in a report filed with the court on May 18, 2021. Doc. No. 55. On June 8, 2021, a competency hearing was held before the Honorable David Fannin, Magistrate Judge for the Western District of Texas. Doc. No. 61. Judge Fannin issued an order determining the defendant to be competent to stand trial that same day. Doc. No. 62.

On August 30, 2021 Mr. Perkins, filed a Notice of Insanity Defense in accordance with Rule 12.2(a)-(b) of the Federal Rules of Criminal Procedure.

On September 22, 2021 Mr. Perkins attorneys, filed a renewed motion for competency hearing based upon continuing concerns regarding the defendant's competency to stand trial. Doc. No. 80.

## **II. Insanity and Competency Evaluation**

The United States Government now moves this honorable court to order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court assessing Mr. Perkins sanity at the time of the offense, pursuant to the provisions of 18 U.S.C. §4242 and in accordance with 18 U.S.C. 4241 4247(b) and (c). The Government further moves this court to order the appointed psychiatric or psychological expert to assess Mr. Perkins current competency to stand trial in accordance with 18 U.S.C. 4241, 4247(b) & (c). The Government requests that any hearing on Mr. Perkins' competency be set after this report has been submitted to the court.

Respectfully submitted,

ASHLEY C. HOFF  
United States Attorney

By: /S/ \_\_\_\_\_  
Andrew C. Weber  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

On September 22, 2021, I filed this document with the Clerk of Court using the CM/ECF filing system which will provide Defense Counsel Elyse M. Battaler-Schneider notice of this filing.

/S/ \_\_\_\_\_  
Andrew C. Weber  
Assistant United States Attorney

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	)	
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Defendants.	)	

**ORDER**

The Government's "Motion for a Psychiatric or Psychological Examination and Competency Assessment" is in all things **Granted**.

It is so **ORDERED**.

**SIGNED** this \_\_\_\_day of September 2021

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DAVID COUNTS  
United States District Judge